

FILED

FEB 29 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT
ELKINS WV 26241

CONSTANCE E. LANDACRE,
EXECUTRIX OF THE ESTATE OF
DANIEL L. LANDACRE,

Plaintiff,

vs.

CIVIL ACTION NO. 2:05 CV 1
(MAXWELL)

GRAND HOME FURNISHINGS, INC.,
SUNSET EXPRESS, INC., and
JACK LEE RITCHIE, JR.,

Defendants.

ORDER

It will be recalled that a mediation conference was conducted in the above-styled civil action on April 20, 2006. It will further be recalled that, at the conclusion of said mediation conference, Court-appointed mediator John Cooper advised the Court that the parties had successfully completed mediation and had reached a an agreement of compromise with regard to all issues pending in the above-styled civil action. The terms of the agreement of compromise reached by the parties is fully set forth in an Order entered by the Court on May 16, 2006 (See Docket No. 34).

The Court's May 16, 2006, Order approved the parties' settlement pursuant to the wrongful death statute set forth in West Virginia Code §§ 55-7-5; 55-7-6; and 55-7-7; ratified and confirmed the parties' settlement agreement; and expressly provided that the above-styled civil action would be continued generally "until counsel for the parties complete the terms of the compromise, at which time the court will entertain an order of dismissal of this civil action with prejudice."

The Court's review of the docket in the above-styled civil action reveals that a dismissal order has never been submitted to the Court for its review and entry herein. Accordingly, it is ORDERED that counsel for the Plaintiff shall prepare an agreed dismissal order and,

after obtaining the approval thereto of counsel for the Defendants, shall forward the same to the Court within **twenty (20) days from the date of the entry of this Order**. It is further ORDERED that the Clerk of Court shall send copies of this Order to counsel of record herein.

ENTER: February 29, 2008



United States District Judge